

FILED
At Albuquerque NM

JUL 13 2011 *wd*

MATTHEW J. DYKMAN
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN GRAY,

Defendant.

CRIMINAL NO. 11-1867

Counts 1-3: 18 U.S.C. §§ 2252(a)(2),
2252(b)(1), and 2256: Distribution and
Attempted Distribution of Visual
Depictions of Minors Engaged in Sexually
Explicit Conduct;

Count 4: 18 U.S.C. §§ 2252(a)(2),
2252(b)(1), and 2256: Receipt of Visual
Depiction of a Minor Engaged in Sexually
Explicit Conduct;

Counts 5-6: 18 U.S.C. §§ 2252(a)(4)(B),
2252(b)(2), and 2256: Possession of
Matter Containing Visual Depictions of
Minors Engaged in Sexually Explicit
Conduct.

INDICTMENT

The Grand Jury charges:

Counts 1-3

On or about the dates set forth below, in Lincoln County, in the District of New Mexico, the defendant, **JUSTIN GRAY**, did knowingly distribute and attempt to distribute a visual depiction contained in the computer files described below, which visual depiction had been distributed using any means and facility of interstate and foreign commerce and which had been mailed and shipped and transported in interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported by any means, including by computer, the production of which depiction involved the use of a minor engaging in sexually

explicit conduct and is of such conduct:

COUNT	FILE NAME AND/OR CONDUCT	DATE
1	+?iso-8859-1?g?3 loco ni+a6os teniendo sexo=5f nombre de busqueda mas fa?= =?iso-8559-1?g?sil es tito35ni+=a6os.jpg	October 18, 2010
2	Chat session related to Windows Live Messenger in which "justin14morgan@live.com" sent multiple images of child pornography to include the following files: "!3boys2.wmv," "512(16).WMV," "7.wmv," and "Rico.avi."	February 20, 2011
3	Chat session related to Skype in which "jeffthebeast" sent the file of "spongebob.avi"	Between November 18, 2010 to November 22, 2010

In violation of 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256.

Count 4

On or about September 18, 2010, in Lincoln County, in the District of New Mexico, the defendant, **JUSTIN GRAY**, did knowingly receive a visual depiction contained in the computer file described as follows: "?iso-8859-1?g?amigo=5f nombre de busuedo mas facil tito35ni=flos.jpg?=", which visual depiction had been received using any means and facility of interstate and foreign commerce and which had been mailed and shipped and transported in interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported by any means, including by computer, the production of which depiction

involved the use of a minor engaging in sexually explicit conduct and is of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256.

Count 5

On or about March 10, 2011, in Lincoln County, in the District of New Mexico, the defendant, **JUSTIN GRAY**, did knowingly possess a matter, to wit: a Compaq Presario CQ62 Laptop Computer, Serial Number CNF0237FXR, containing an internal Toshiba 250 GB Hard Drive, Serial Number 50Q8S0NGS, containing visual depictions that had been shipped and transported using any means and facility of interstate and foreign commerce, and which had been shipped and transported in and affecting interstate and foreign commerce, and which were produced using materials which had been shipped and transported, by any means, including by computer, the production of which visual depictions involved the use of a minor engaging in sexually explicit conduct and are of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

Count 6

On or about March 10, 2011, in Lincoln County, in the District of New Mexico, the defendant, **JUSTIN GRAY**, did knowingly possess a matter, to wit: 4GB SanDisk Memory Stick, containing visual depictions that had been shipped and transported using any means and facility of interstate and foreign commerce, and which had been shipped and transported in and affecting interstate and foreign commerce, and which were produced using materials which had been shipped and transported, by any means, including by computer, the production of which visual depictions involved the use of a minor engaging in sexually explicit conduct and are of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

FORFEITURE ALLEGATIONS

Upon conviction of any offense alleged in this indictment, the defendant, **JUSTIN**

GRAY, shall forfeit to the United States pursuant to 18 U.S.C. §§ 2252 and 2253:

- 1). Compaq Presario CQ62 Laptop Computer, Serial Number CNF0237FXR, containing an internal Toshiba 250 GB Hard Drive, Serial Number 50Q8S0NGS;
- 2). PNY 2GB USB Thumbdrive; and
- 3). 4 GB SanDisk Memory Stick.

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

JS 07/06/11 9:47am